IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1990 of 2004

WITH

CIVIL APPLICATION NO. 8887 OF 2004

WITH

LETTERS PATENT APPEAL NO. 1992 OF 2004

WITH

CIVIL APPLICATION NO. 8889 OF 2004

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

TALUKA PANCHAYAT, UNA

Versus

MUKESHKUMAR D. UKANI

Appearance:

1. LETTERS PATENT APPEAL No. 1990 of 2004

MR GAURANG H BHATT for Appellant No.
..... for Respondent No. 1-4

2. LETTERS PATENT APPEAL No. 1992 of 2004
MR GAURANG H BHATT for Appellant No.
..... for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 18/01/2005

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

#. Two separate writ petitions i.e Special Civil Application no. 15583 of 2003 and Special Civil Application no. 15586 of 2003 were dismissed by Ms.R.M.Doshit,J by Her Lordship's common order dated 24.06.2004, against which these appeals are filed.

#. From the brief common order passed by the learned single Judge while dismissing both the writ petitions filed by the appellant - Taluka Panchayat, it is clear that the respondent no. 1 - workmen in both the petitions were employed by the Taluka Panchayat without following due procedure. They approached the civil court for absorption in the service of Taluka Panchayat and the said suits came to be decreed. Therefore, the appellant - Taluka Panchayat was required to pay considerable amount of arrears to them by way of difference in salary. Therefore, the Taluka Panchayat filed such petitions which were rightly rejected by the learned single Judge. Extraordinary writ jurisdiction of this court under Article 226 of the Constitution of India are not meant for such persons to succeed in their ulterior motive. When the learned single Judge, realizing this fact, dismissed both the writ petitions, then certainly this court would not interfere with such orders in its letters patent jurisdiction.

#. In view of the above, both these appeals fail and are hereby dismissed.

#. Civil applications filed in both the appeals are dismissed as the appeals are dismissed.

(B.J.SHETHNA, J)

(SHARAD D DAVE, J)

srilatha